In the High Court of Judicature at Madras

Dated: 24.03.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice S.TAMILVANAN

Writ Appeal No.2243 of 2003

M.C.Pandiyan .. Appellant (Petitioner)

Vs

1.The District Collector,
Chennai District,
Singaravelan Maligai,
Rajaji Salai, Chennai-600 002.

2.The Tahsildar,
Mambalam-Guindy,
Chennai-78.
3.S.Nilavathy
4.S.Kotteeswaran
5.S.Renugadevi
6.S.Nandakumar
7.S.Mahendra Babu .. Respondents (Respondents)

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 23.04.2003 made in W.P.No.12467 of 2003.

WP No.12467 of 2003:

Petition filed under Article 226 of the constitution of India to issue a writ of Mandamus, forbearing first and second respondents from in any manner issuing patta in favour of any third party purchasers under the influence of the respondent 3 to 7 till the disposal of the suit O.S.No.110/2000 on the file of first Assistant City Civil Judge or pending consideration of the representation dated 30.8.2002 and 30.9.2002.

For Appellant : Mrs.P.Bagyalakshmi
For Respondents 1&2: Mr.P.Subramanian, G.A.,

For respondents 3 to 7: Mr.H.Naziruddin

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JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM,J.)

The above writ appeal is directed against the order of the learned single Judge dated 23.04.2003 made in W.P.No.12467 of 2003, in and by which, the learned Judge, after finding that there cannot any mandamus on the basis of mere apprehension, has dismissed the writ petition.

2. Heard the learned counsel appearing for the appellant as well as the respondents.

3. Learned counsel appearing for the appellant has brought to our notice that even on 20.01.2006, while dismissing the injunction applications, the First Bench of this Court has passed the following order:

> "Learned counsel appearing for respondents 3 to 7 in the appeal makes a statement that so far as the sale deeds entered into by the appellant prior to the revocation of the Power of Attorney are concerned, they are validated and binding on respondents 3 to 7. As far as the issue of the transactions entered into after the revocation, which is the subject matter of a civil suit in O.S.No.110 of 2000 pending on the file of I Assistant City Civil Court, Chennai, the parties are at liberty to agitate all their contentions in the pending suit."

4. In view of the pendency of the Civil Suit as mentioned above and as rightly stated in the abovesaid order that all the parties are at liberty to putforth their case in the pending suit, the writ appeal is dismissed. No costs.

5. The learned counsel appearing for the appellant seeks direction for early disposal of the suit as the same is of the year 2000 and is still pending. Accordingly, I Assistant Judge, City Civil Court, Chennai, is directed to dispose of O.S.No.110 of 2000 on or before 30.06.2007.

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The I Assistant Judge,
City Civil Court, Chennai.

2.The District Collector,
Chennai District,
Singaravelan Maligai,
Rajaji Salai, Chennai-600 002.

3.The Tahsildar,
Mambalam-Guindy,
Chennai-78.

+1cc to Mrs. P.Bagyalakshmi, Advocate Sr 18738
+1cc to Govt. Pleader Sr 18664
+1cc to Mr.A.Prabhakaran, Advocate Sr 18475

VC (CO)
km/29.3.

W.A. No.2243 of 2003

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